

# REPRESENTATIVE KIM BRIMER



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## TEXAS HOUSE OF REPRESENTATIVES

August, 19, 1997

The Honorable Dan Morales  
Attorney General  
Post Office Box 12548  
Austin, Texas 78711

Handwritten: RQ-973 ID ML 39729-97

Dear General Morales:

As Chairman of the House Committee on Business and Industry and the author of House Bill 3025, I request your opinion in regard to the following question: Does House Bill 3025 only apply to airports, as was my legislative intent, or does this bill apply to all political subdivisions, as some cities contend?

I filed House Bill 3025 at the request of the Dallas/Fort Worth International Airport board (DFW). Prior to January 1995, the DFW board waived parking fees, for the first 20 days, for all persons with authorized disabled parking plates or permits. Some 151 new disabled parking stalls were added to the airport's current parking system. At its January 1995 Board meeting, the board permitted the airport to charge disabled parking patrons the same rate as other patrons. The only exception to this policy was free parking which was extended to individuals displaying a disabled veteran or congressional medal of honor license plate (in accordance with state law).

During the 74th Texas Legislature, HB 2083 (related to the issuance of special license plates and parking placards for vehicles owned by or transporting disabled persons) was enacted. One provision in this bill prohibited a governmental entity from charging an individual displaying a disabled permit for parking in a parking garage or parking lot. The effect, although not the intent, prohibited DFW Airport from assessing parking fees on any disabled individuals. The author of the legislation, Representative Garnet Coleman, confirmed that it was never the intent of the legislation to permit disabled parkers to park free at airports. DFW Airport chose to follow the letter of the law. Effective August 1995, DFW Airport stopped collecting the parking fee transactions for all holders of disabled license plates and/or permits. DFW estimated its losses at approximately \$1,696,000 in parking fee revenue due to this inadvertent legislation.

The legislative intent of House Bill 3025, filed this session and signed by the Governor on June 17, 1997, was to permit the reimposition of fees on disabled individuals (excluding disabled

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veterans and Congressional Medal of Honor winners) who park at airports ONLY. It was not my intent for any city or other political subdivision to be able to charge disabled persons for parking.

Several cities in Texas have begun to issue notice that effective September 1st, all disabled person shall have to pay for parking within the boundaries of their city (all meters, parking lots etc.) This is contrary to the legislative intent of this piece of legislation.

I have enclosed the following copies of the bill:

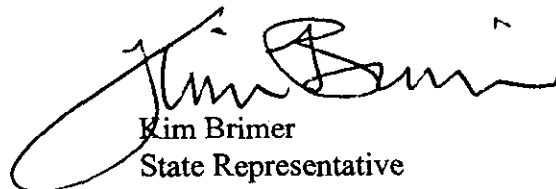
1. As filed;
2. House Committee report;
3. Engrossed;
4. Senate Committee report; and
5. Enrolled

I have enclosed the following versions of the bill analysis:

1. As filed;
2. House Committee report
3. Engrossed ;
4. Senate committee report

Your advice in this matter is critical to the disabled population of Texas. Unfortunately this issue has arisen only of late, and as such, I respectfully request your expedited consideration of this question.

Cordially,



Kim Brimer  
State Representative